

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 567 - HB 685**

March 4, 2011

**SUMMARY OF BILL:** Authorizes a magistrate to require a defendant to wear a global positioning monitoring system (GPS) device as a condition of bail in domestic violence, stalking, or violation of protection order cases. Requires a defendant to pay the costs of the monitoring unless a magistrate determines the defendant is indigent. An indigent defendant may perform community service in lieu of paying the costs. Requires a magistrate to afford the alleged victim the opportunity to assist in determining a list of defendant's prohibited locations and to inform the alleged victim of the terms and conditions of the GPS monitoring program.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Revenue - \$28,800/Permissive**

**Increase Local Expenditures – \$259,200/Permissive**

**Assumptions:**

- The magistrate may order any defendant who is arrested for the offense of stalking, aggravated stalking, or especially aggravated stalking, as defined in Tenn. Code Ann. § 39-17-315; any criminal offense defined in Title 39, Chapter 13, in which the alleged victim of the offense is a domestic abuse victim, sexual assault victim, or stalking victim as defined in Tenn. Code Ann. § 36-3-601(5), (10) or (11); or is in violation of an order of protection as authorized by Title 36, Chapter 3, Part 6.
- According to the Administrative Office of the Courts, there has been an average of 64 state court convictions for domestic violence offenses in each of the past three years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 640 per year.
- According to the Davidson County Sheriff's Office, approximately 75 percent (480) of those offenders will make bail and will be required to wear a GPS device.
- The Board of Probation and Parole (BOPP) currently charges offenders under its supervision \$50 per month for GPS monitoring. According to BOPP, 90 percent of offenders are indigent and cannot pay. Estimate assumes the same 90 percent of the 480 offenders (432) who make bail will not be able to pay the fees resulting in an increase in local expenditures of \$259,200 (\$50 x 432 offenders x 12 months).
- The remaining 48 will have the ability to pay, resulting in an increase to local government revenue of \$28,800 (\$50 x 48 offenders x 12 months).

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**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc